

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF DUKE ENERGY KENTUCKY,)	
INC. FOR (1) A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY AUTHORIZING)	2016-00152
THE CONSTRUCTION OF AN ADVANCED)	
METERING INFRASTRUCTURE; (2) REQUEST)	
FOR ACCOUNTING TREATMENT; AND (3) ALL)	
OTHER NECESSARY WAIVERS, APPROVALS,)	
AND RELIEF)	

ORDER

This matter arises on petitions filed by Duke Energy Kentucky, Inc. (Duke Kentucky), on April 25, 2016, and December 22, 2016, requesting confidential protection for certain materials for a period of 20 years, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

In the April 25, 2016 petition, Duke Kentucky requested confidential treatment for information contained in the Direct Testimony of Donald L. Schneider (Schneider Testimony), which was filed as an exhibit to Duke Kentucky's Application. The designated materials consist of detailed forecasted financial data and cost assumptions for a 17 year period. Duke Kentucky contends that the designated materials consist of commercially sensitive information that if publicly disclosed would result in competitive harm to Duke Kentucky by undermining its ability to manage its costs.

In the December 22, 2016 petition, Duke Kentucky requested confidential treatment for its responses to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Items 7 and 10, which includes the same type of

information for which Duke Kentucky requested confidential treatment in its April 25, 2016 petition.

Having considered the petitions and the materials at issue, the Commission finds that the information contained in the Schneider Testimony and in Duke Kentucky's responses to Staff's Post-Hearing Request, Items 7 and 10 meet the criteria for confidential treatment and are exempt from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petitions for confidential protection for the Schneider Testimony and for Duke Kentucky's responses to Staff's Post-Hearing Request, Items 7 and 10 are granted.

2. The designated materials shall not be placed in the public record or made available for public inspection for a period of 20 years, or until further Orders of this Commission.

3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Duke Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Duke Kentucky shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Duke Kentucky is

unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

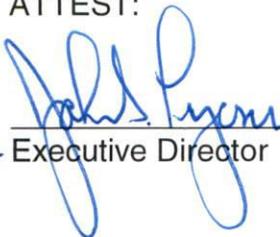
6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

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By the Commission

ENTERED
JAN 02 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

For 

Executive Director

Case No. 2016-00152

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